

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 6, 2000

DIVISION ONE

B131621 Sandoval (Not for Publication)
v.
Perry

Plaintiff having abandoned the appeal, the appeal is dismissed. The parties are to bear their own costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
Masterson, J.

B132608 People (Not for Publication)
v.
Superior Court, Los Angeles County
(Landau, r.p.i.)

We grant the petition and vacate the orders granting probation and setting restitution. We remand the case to Judge O'Neil for resentencing in accord with the views expressed in this opinion.

Ortega, J.

I concur: Vogel (Miriam A.), J.
I dissent: Spencer, P.J. (Opinion)

DIVISION TWO

B126523 Rosenteld Meyer & Susman
 v.
 Wilshire-Camden Associates

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B127816 Union Oil Company of California et al. (Not for Publication)
 v.
 City of Los Angeles

The awards of attorney fees are reversed and vacated. In all other respects, the judgments are affirmed. Unocal and Litton are entitled to costs on appeal.

Boren, P.J.

We concur: Nott, J.
 Cooper, J.

B113903 People (Not for Publication)
 v.
 Torres

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Cooper, J.

DIVISION TWO (Continued)

[illegible]

The trial court is directed to prepare an amended abstract of judgment to reflect the \$1,300 suspended parole revocation fine (Pen. Code, 1202.45) which it had previously imposed. In all other respects, the judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Cooper, J.

B130830 People (Not for Publication)
v.
Pickett

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Cooper, J.

B129797 People (Not for Publication)
v.
Wren

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Mallano, J. (Assigned)

DIVISION TWO (Continued)

B131217 People (Not for Publication)
v.
Muhammad

The judgment is modified by vacating and dismissing the \$200 penalty assessment fine imposed pursuant to section 1464. The clerk of the court is directed to amend the abstract of judgment to correctly reflect the two fines imposed: a \$200 restitution fine pursuant to section 1202.4 and a \$200 parole revocation fine pursuant to section 1202.45, the latter of which is suspended pending release on parole. In all other respects, the judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Mallano, J. (Assigned)

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Cooper, J., Mallano, J. (Assigned)

March 6, 2000-Continued

DIVISION TWO (Continued)

107802-00

The HONORABLE ROBERT M. MALLANO, Judge of the Los Angeles Superior Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Two, as a Justice thereof, on the following dates:

March 1, 2000 to April 30, 2000

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: March 1, 2000

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

DIVISION FOUR

B126721 People v. Barajas (Not for Publication)

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

DIVISION FOUR (Continued)

B130417 People (Certified for Partial Publication)
v.
Williams

The judgment is reversed and this matter is remanded to allow the trial court to conduct a hearing on the *Wheeler* issues. First, the court must ascertain whether it can adequately address the issue at this stage. If not, a retrial is required. If the court can address the issue, it must first address the issue of whether a prima facie case can be established. If it determines no prima facie case was established, defendant's conviction is ordered reinstated. If it determines a prima facie case was established, it must then determine whether the prosecutor's reasons for excusing the two jurors are constitutionally valid. If not, and the court grants defendant's *Wheeler* motion, retrial is required. If the trial court determines the prosecutor's reasons for excusing the two jurors are constitutionally valid, and denies defendant's *Wheeler* motion, defendant's conviction is ordered reinstated.

Hastings, Acting P.J.

We concur: Curry, J.
Dau, J. (Assigned)

DIVISION FIVE

B120616 The Vons Companies, Inc. (Certified for Publication)
v.
United States Fire Insurance Company

Filed order modifying opinion. (No change in the judgment)

March 6, 2000-Continued

DIVISION SIX

B130156 People v. French (Not for Publication)

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B131984 People (Not for Publication)
v.
Hernandez

The judgment is affirmed.

Gilbert, P.J.

I concur: Yegan, J.
I dissent: Perren, J. (Opinion)

B131576 People
v.
McNeil

Filed order modifying opinion. (Change in judgment)

DIVISION SEVEN

B133979 People (Not for Publication)

V.

Superior Court, Los Angeles County

(Hebert, r.p.i.)

The alternative writ is discharged and the petition is denied.

Lillie, P.J.

We concur: Woods, J.

Neal, J.

B134079 People (Not for Publication)

V.

Brobst

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.

Neal, J.

B124998 People (Not for Publication)

V.

Morris

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.

Neal, J.